

REMARKS

The final Office action mailed on 24 June 2005 (Paper No. 20050304) has been carefully considered. Allowance of claims 58 thru 60 as set forth in paragraph 10 of the final Office action is appreciated.

Claims 52 and 54 thru 57 are being canceled without prejudice or disclaimer; and claims 43 and 53 are being amended. Thus, claims 43, 51, 53, 58 thru 60, 62 and 63 are pending in the application.

In paragraph 1 of the final Office action, the Examiner stated that, “[t]he request filed on September 29, 2003 for a Continued Prosecution Application (CPA) under 35 U.S.C. §1.53(d) based on parent Application No. 09/767,865 is acceptable” As stated in the Remarks section of the Amendment filed on 7 June 2005, the present application is not a CPA application filed under 35 U.S.C. §1.53(d), but is a continuation application filed under 35 U.S.C. §1.53(b), and is accorded a separate serial number, No. 10/671,466, from the parent application Serial No. 09/767,865. Acknowledgment by the Examiner of the present application as a continuation application filed under 35 U.S.C. §1.53(b), and acknowledgment, in the PTOL-326 form, of the receipt and filing of the all of the certified copies of the priority documents received in the parent application Serial No. 09/767,865, are respectfully requested.

In paragraph 3 of the Office action, the Examiner rejected claims 43, 54, 55 and 63 under 35 U.S.C. §102 for alleged anticipation by Nishida, U.S. Patent No. 5,831,769. In paragraph 7 of the Office action, the Examiner rejected claims 51, 56 and 57 under 35 U.S.C. §103 for alleged unpatentability over Nishida '769 in view of Besnard *et al.*, U.S. Patent No. 5,867,349. In paragraph 11 of the Office action, claims 52 and 53 are objected to for dependency upon a rejected base claim, but the Examiner stated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. For the reasons stated below, it is submitted that the invention recited in the claims, as now amended, is distinguishable from the prior art cited by the Examiner so as to preclude rejection under 35 U.S.C. §102 and/or §103.

Independent claim 43 is being amended to include the recitation of allowed dependent claim 52, which is being canceled. Dependent claim 53 is being amended to adjust its dependency to claim 43. Finally, rejected claims 54 thru 57 are being canceled. Thus, this Amendment After Final does not raise new issues requiring further consideration or search, and it should be entered. Furthermore, as a result of the claim amendments, all pending claims are now in condition for allowance.

In view of the above, it is submitted that the claims of this application are in condition for allowance, and early issuance thereof is solicited. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

No fee is incurred by this Amendment After Final.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert E. Bushnell", is written over a horizontal line.

Robert E. Bushnell,
Attorney for the Applicant
Registration No.: 27,774

1522 "K" Street N.W., Suite 300
Washington, D.C. 20005
(202) 408-9040

Folio: P56323A
Date: 9/23/05
I.D.: REB/JGS